

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JESSIE GARCIA,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1: 21-cv-01799-JLT-SAB

ORDER VACATING FINDINGS AND
RECOMMENDATIONS; GRANTING
PLAINTIFF’S APPLICATION TO
PROCEED *IN FORMA PAUPERIS*; AND
DIRECTING CLERK OF THE COURT TO
ISSUE SUMMONS AND SERVE
DEFENDANT UNDER E-SERVICE
PROGRAM

(ECF Nos. 5, 6, 7)

On December 21, 2021, Jessie Garcia (“Plaintiff”) filed the complaint in this action seeking judicial review of the final decision of Defendant Commissioner of Social Security (“Defendant”) denying an application for benefits under the Social Security Act. (ECF No. 1.) Plaintiff also filed an application to proceed *in forma pauperis* on the same day. (ECF No. 2.) The Court reviewed Plaintiff’s application to proceed *in forma pauperis* and found that it provided insufficient information. (ECF No. 3.) Plaintiff was ordered to file a long form application to proceed without prepayment of fees, but failed to do so before the deadline. (*Id.*) On February 9, 2022, the Court issued findings and recommendations recommending denying Plaintiff’s application to proceed without prepayment of fees and dismissing the action. (ECF No. 5.) On February 22, 2022, Plaintiff filed objections to the findings and recommendations

1 and a renewed application to proceed *in forma pauperis*. (ECF Nos. 6, 7.) Based on review of
2 the filings, the Court finds it appropriate to vacate the findings and recommendations and grant
3 Plaintiff's renewed *in forma pauperis* application.

4 On April 14, 2020, General Order Number 615 issued staying all Social Security actions
5 filed after February 1, 2020, until the Commissioner may begin normal operations at the Office
6 of Appellate Hearings Operations and may resume preparation of a certified copy of the
7 administrative record. E.D. Cal. G.O. 615. On February 16, 2022, following notification from
8 the Commissioner that preparation of administrative records has resumed, General Order
9 Number 644 issued rescinding the Court's temporary stay in Social Security Matters, effective
10 April 1, 2022. E.D. Cal. G.O. 644.

11 Accordingly, the Court shall order that the complaint in this action be served and the
12 matter will be stayed once service has been effected on Defendant, until April 1, 2022, at which
13 time the stay of the action will be automatically lifted. The parties are hereby directed to
14 paragraph 1 of the scheduling order to be issued in this action, which provides that service of the
15 Defendant shall proceed under the Court's E-service program.

16 Accordingly, IT IS HEREBY ORDERED THAT:

- 17 1. The findings and recommendations filed February 9, 2022 (ECF No. 5), are
18 VACATED;
- 19 2. Plaintiff's application to proceed *in forma pauperis* (ECF No. 7) is GRANTED;
- 20 3. The Clerk of Court is DIRECTED to issue a summons and new case documents;
21 and

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1 4. The Clerk of Court is DIRECTED to deliver to the Commissioner of Social
2 Security Administration and the United States Attorney's Office at their
3 designated email addresses, a notice of electronic filing of this action along with
4 the summons and complaint.

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6 IT IS SO ORDERED.

7 Dated: February 23, 2022


UNITED STATES MAGISTRATE JUDGE